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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,952	12/21/2000	Lieve Maria Marcella Rosemarijn Bos	Q62246	6288

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EXAMINER	
BRANCOLINI, JOHN R	
ART UNIT	**PAPER NUMBER**
2153	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,952	BOS ET AL.	
	Examiner	Art Unit	
	John R Brancolini	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action in response to Amendment filed August 27, 2004.

Claim 4 was cancelled, claims 11-18 were added.

Claims 1-3, 5-18 are currently pending in the application.

Specification

Replacement Specification was received and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Itao et al. (T. Itao and M. Matsuo, DANSE: Dynamically Adaptive Networking Service Environment, published in The Bridge to Global Integration, IEEE, Volume 2, Nov 1998, Pages 785-791), hereinafter referred to as Itao.

In regards to claim 1, Itao discloses a processing environment determining device for inclusion in a telecommunication network, characterized in that said processing environment determining device comprises:

A first retriever that retrieves at least one processing capability information associated with any one of a terminal (figure 1 shows an outline of the system, including various components, such as a retriever of user requirement information), a network element of a sub-network and a service provider equipment of a service provider of said telecommunication network (a service logic provided is shown in a sub-network in Figure 1);

An appointing device coupled to said first retriever to appoint, for a predefined service of a predefined client, according to predefined rules and conditions, and according to processing capability information, one or more out of said terminal, said network element and said service provider equipment, and to determine a processing environment to be used to execute said predefined service (page 786, section 3 DANSE Overview, provides information on a Coordinator, which users information sent from various resources to match a user with a proper environment based on the user requirements)

Wherein said first retriever retrieves said processing capability information from any one of a terminal capability server of said terminal via predefined terminal application open signals and a network service capability server of a sub-network via predefined network application open service architecture signals (Section 3.1, page 786, briefly shows how a user sends open signals to DANSE, and the DANSE server receives the signals for processing, explained in further detail below in Response to Arguments section).

In regards to claim 2, Itao discloses the processing environment determining device according to claim 1 (see claim1 discussion above), wherein said predefined rules and conditions comprise at least one of:

- User requirements and user preferences of a user that uses said terminal.
- Operator requirements and operator preferences of an operator that exploits said network element.
- Service provider requirements.
- Service provider preferences of a service provider that operates said service provider equipment.

(Page 786, Section 3 lists several sources of information, including receiving user requirements, operator requirements for the system from the service provider, and preferences from the service provider as to the user matching rules and registration information).

In regards to claim 3, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said processing environment determining device comprises a second retriever retrieving any one of user requirements, user preferences, operator preferences, server provider requirements, service provider preferences from any one of said terminal, said network elements and said service provider equipment in order to update said predefined rules and conditions accordingly (Figure 2 on page 787 shows the service environment, including multiple

receiving means on the DANSE system for receiving information from various sources, such as service providers).

In regards to claim 5, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said processing environment determining device comprises any one of a terminal, a sub-network being any one of a home network, a visited network and an intermediate network of said telecommunication network and a service provider equipment (Figure 1 on page 786 shows a user terminal communicating with the DANSE network, which includes service provider equipment).

In regards to claim 6, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said first retriever retrieves processing capability information associated with any one of a User Service Identity Module of said terminal and a terminal equipment of said terminal (the user sends the user requirements to the receiver, which includes information related to the terminal equipment the user is utilizing, page 786 section 3.1).

In regards to claim 7, Itao discloses a terminal capability server of a terminal to be used in a telecommunication network, said terminal capability server translating first application signals into first predefined terminal application open signals and translating second predefined terminal application open signals into second application signals,

wherein said first predefined terminal application open signals and said second predefined terminal application open signals comprises a processing capability environment determining device according to claim 1 (see claim 1 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

In regards to claim 8, Itao discloses a network service capability server of a sub-network of a telecommunication network, said network service capability server translating first application signals into first predefined network application open service architecture signals and translating second predefined network application open service architecture signals into second application signals, wherein said first predefined network application open server architecture signals and said second predefined network application open service architecture signals comprise processing capability information in order to be forwarded to a processing environment determining device according to claim 1 (see claim 1 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

In regards to claim 9, Itao discloses a telecommunication network, comprising at least one processing environment determining device according to claim 1 (see claim 1 discussion above).

In addition to disclosing the limitations of claim 1, Itao also discloses the device used in a telecommunications network (see abstract, page 785).

In regards to claim 10, Itao discloses a method to be used by a processing environment determining means of a telecommunication network, wherein said method comprises:

retrieving by a first retrieving means one or more processing capability information associated to any one of a user terminal (figure 1 shows an outline of the system, including various components, such as a retriever of user requirement information), a network element of a sub-network and a service provider equipment of a service provider (a service logic provided is shown in a sub-network in Figure 1); and

appointing by an appointing means for a predefined service of a predefined client, according to predefined rules and conditions, and according to said processing capability, one or more out of said terminal, said network elements and said service provider equipment to determine thereby an appointed processing environment that has to be used to execute said predefined service (page 786, section 3 DANSE Overview, provides information on a Coordinator, which users information sent from various resources to match a user with a proper environment based on the user requirements)

Wherein said processing capability information is retrieved from any one of a terminal capability server of said terminal via predefined terminal application open signals and a network service capability server of a sub-network via predefined network application open service architecture signals (Section 3.1, page 786, briefly shows how a user sends open signals to DANSE, and the DANSE server receives the signals for processing, explained in further detail below in Response to Arguments section).

In regards to claim 11, Itao discloses a processing environment determining means for inclusion in a telecommunication network, comprising:

- A first retrieving means that retrieves at least one processing capability information associated with any one of a terminal (figure 1 shows an outline of the system, including various components, such as a retriever of user requirement information), a network element of a sub-network and a service provider equipment of a service provider of said telecommunication network (a service logic provided is shown in a sub-network in Figure 1);
- An appointing means coupled to said first retrieving means to appoint, for a predefined service of a predefined client, according to predefined rules and conditions, and according to processing capability information, one or more out of said terminal, said network element and said service provider equipment, and to determine a processing environment to be used to execute said predefined service (page 786, section 3 DANSE Overview, provides information on a

Coordinator, which users information sent from various resources to match a user with a proper environment based on the user requirements)

- Wherein said first retrieving means retrieves said processing capability information from any one of a terminal capability server of said terminal via predefined terminal application open signals and a network service capability server of a sub-network via predefined network application open service architecture signals (Section 3.1, page 786, briefly shows how a user sends open signals to DANSE, and the DANSE server receives the signals for processing, explained in further detail below in Response to Arguments section).

In regards to claim 12. Itao discloses said predefined rules and conditions comprise at least one of:

- User requirements and user preferences of a user that uses said terminal,
- Operator requirements and operator preferences of an operator that exploits said network element,
- Service provider requirements, and
- Service provider preferences of a service provider that operates said service provider equipment.

(Page 786, Section 3 lists several sources of information, including receiving user requirements, operator requirements for the system from the service provider, and preferences from the service provider as to the user matching rules and registration information).

In regards to claim 13, Itao discloses the processing environment determining device comprises a second retrieving means retrieving any one of user requirements, user preferences, operator preferences, server provider requirements, service provider preferences from any one of said terminal, said network elements and said service provider equipment in order to update said predefined rules and conditions (Figure 2 on page 787 shows the service environment, including multiple receiving means on the DANSE system for receiving information from various sources, such as service providers).

In regards to claim 14, Itao discloses the processing environment determining device comprises any one of a terminal, a subnetwork being any one of a home network, a visited network and an intermediate network of said telecommunication network and a service provider equipment (Figure 1 on page 786 shows a user terminal communicating with the DANSE network, which includes service provider equipment).

In regards to claim 15, Itao discloses the first retrieving means retrieves processing capability information associated with any one of a User Service Identity Module of said terminal and terminal equipment of said terminal (the user sends the user requirements to the receiver, which includes information related to the terminal equipment the user is utilizing, page 786 section 3.1).

In regards to claim 16, Itao discloses a terminal capability server of a terminal to be used in a telecommunication network, said terminal capability server translating first application signals into first predefined terminal application open signals and translating second predefined terminal application open signals into second application signals, wherein said first predefined terminal application open signals and said second predefined terminal application open signals comprises a processing capability environment determining device according to claim 11 (see claim 11 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

In regards to claim 17, Itao discloses a network service capability server of a sub-network of a telecommunication network, said network service capability server translating first application signals into first predefined network application open service architecture signals and translating second predefined network application open service architecture signals into second application signals, wherein said first predefined network application open server architecture signals and said second predefined network application open service architecture signals comprise processing capability information to be forwarded to a processing environment determining device according to claim 11 (see claim 11 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first

open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

In regards to claim 18, Itao discloses a telecommunication network, comprising at least one processing environment determining device according to claim 11. (see claim 11 discussion above).

In addition to disclosing the limitations of claim 11, Itao also discloses the device used in a telecommunications network (see abstract, page 785).

Response to Arguments

Applicants arguments as stated in the Remarks section of the submitted Amendment.

1. DANSE (referred to above as Itao) "fails to teach or suggest a processing environment determining device that retrieves processing capability information from a terminal capability server via predefined terminal application open signals and a network service capability server via predefined network application open service architecture signals"

In response to argument 1 above, the examiner respectfully disagrees with applicant. The applicant is not arguing the existence of either the terminal capability server or the network service capability server in the cited art, only the use of predetermined transmission lines associated with each. On page 786, DANSE outlines

the various parts of the system, including the two above mentioned servers. The claimed transmission signals, however, are not defined in the claim as anything but signals carrying capability information from various parts of the system to the individual servers. As is well known in the art, and as stated in the DANSE outline, each server receives information signals and processes the information. Though not named similarly as the terminal application open signals and application open signals, each server in the DANSE system receives information signals containing capability information, which teaches the limitations of the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Low (US Patent 6282281), a method of providing telecommunications services which includes steps for determining the user requirements for establishing a processing connection.
- Evans et al. (Mobility Considerations for Integrated Telecommunication Service Environments:, Evans, Furnell, Phippen, Reynolds;, Telecommunications 1998, 29 March-1 April, Conference Publication 451), various service architectures for telecommunications systems, including ones which register user requirements for determining connection methods.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (571) 272-3948. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRB

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